

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

MITCHELL THIGPEN,

Plaintiff,

v.

CV 117-121

NANCY A. BERRYHILL, *Deputy
Commissioner for Operations
of the Social Security
Administration, performing
the duties and functions not
reserved to the Commissioner
of Social Security,*

Defendant.

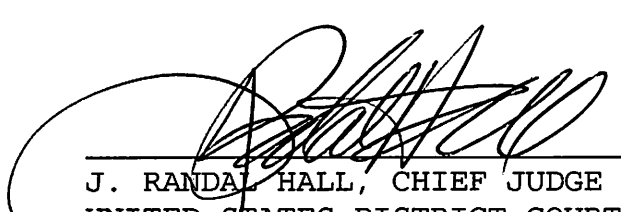
O R D E R

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security with remand under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of Defendant's request, with Plaintiff's consent, to remand this action for further action, this case is hereby remanded. Should the Appeals Council remand to an ALJ, upon remand, the ALJ will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is disabled within the meaning of the Social Security Act, including offering Plaintiff a new hearing, and issuing a new decision. The ALJ will evaluate whether

Plaintiff's impairments meet or equal a listing, including Listing 12.05. If the ALJ determines Plaintiff does not meet or equal a listing, the ALJ will evaluate Plaintiff's residual functional capacity, evaluate all opinions in accordance with the regulations, and if necessary, obtain vocational expert testimony to clarify the effects of the assessed limitations on Plaintiff's ability to perform work.

Therefore, pursuant to sentence four of 42 U.S.C. § 405(g), the Court **GRANTS** Defendant's unopposed motion to remand (doc. 11), **REVERSES** the Commissioner's decision, and **REMANDS** this case to the Commissioner for further consideration in accordance with the Court's opinion. The Clerk of this Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

ORDER ENTERED at Augusta, Georgia this 21st day of May, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA